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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/967,152	09/28/2001	Christopher Uhlik	15685P067	4962
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD			EXAMINER BARNIE, REXFORD N	
SEVENTH FLOOR LOS ANGELES, CA 90025-1030		ART UNIT	PAPER NUMBER	
			2643	
			DATE MAILED: 10/19/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
r.e.)	09/967,152	UHLIK ET AL.			
Office Action Summary	Examiner	Art Unit			
V	REXFORD N BARNIE	2643			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period was really received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
 Responsive to communication(s) filed on <u>28 Seconds</u> This action is FINAL. 2b) ☑ This Since this application is in condition for allowant closed in accordance with the practice under Expression in the practice under Expres	action is non-final. ace except for formal matters, pro				
Disposition of Claims					
4) Claim(s) 1-76 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-76 are subject to restriction and/or expressions.					
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the or Replacement drawing sheet(s) including the correction of the order and or declaration is objected to by the Examiner	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage			
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)		REXFORD BARNIE PRIMARY EXAMINER			
1) Notice of References Cited (PTO-892)	4) Interview Summary				
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:	ite atent Application (PTO-152)			

Application/Control Number: 09/967,152

Art Unit: 2643

DETAILED ACTION

Election/Restrictions

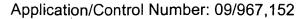
Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-22, drawn to interaction between two network elements and a payment/charging for a provided service, classified in class 705, subclass 40 or 370/352.
- Claims 23-40, drawn to billing users for communication service provided, classified in class 455, subclass 406.
- III. Claims 41-51, drawn to billing a subscriber and revenue sharing between service providers, classified in class 455, subclass 405.
- IV. Claims 52-76, drawn to ISP (internet telephony) or internet wireless computer usage, billing and revenue sharing, classified in class 370, subclass 352.

The inventions are distinct, each from the other because of the following reasons:

Inventions s I, II, III and IV are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the reasons above. The subcombination has separate utility such as revenue sharing



Art Unit: 2643

among service providers, billing a user terminal for service provided and ISP (internet telephony).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REXFORD N BARNIE whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.





Page 4

Application/Control Number: 09/967,152

⁴ Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**REXFORD BARNIE** 

NOWY/U REXFORD BARNIE PRIMARY EXAMINER